

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTO ENRIQUE INGA, on behalf of himself and
others similarly situated,

Plaintiff,

-v-

NESMA FOOD CORP. d/b/a BIG ARC CHICKEN, et
al.,

Defendants.

CIVIL ACTION NO.: 20 Civ. 909 (ALC) (SLC)

**ORDER TO INITIATE DEFAULT
PROCEEDINGS**

SARAH L. CAVE, United States Magistrate Judge.

On October 6, 2020, the Court granted defense counsel Joey Tsai's Letter-Motion (ECF No. 27) to Withdraw as counsel for all Defendants. (ECF No. 31). The Court ordered that by Thursday, November 5, 2020, the following was to take place:

- 1) Counsel for Defendant Nesama Food Corp. d/b/a Big Arc Chicken shall file a notice of appearance; and
- 2) The individual defendants, Mohammed El Hattab and Abdellatif Mahmoud, shall notify the Court whether new counsel will be appearing on their behalf or whether they will proceed in this litigation pro se.

(ECF No. 31). The Court also warned that "[f]ailure to respond to this Court Order may lead to entry of a certificate of default and a default judgment against Defendants." (Id.) (quoting Fed. R. Civ. P. 55(a)).

Defendants failed to comply with this order. Accordingly, the Court extended "for a final time" these deadlines until Thursday, November 19, 2020. (ECF No. 32). The Court warned again

that “the failure to respond to this order may lead to the entry of a certificate of default and a default judgment against Defendants.” (Id. at 1–2).

Five days have passed since this final deadline to comply with the Court’s directives, and Defendants remain in noncompliance. Accordingly Plaintiff is hereby ORDERED to request a Certificate of Default from the Clerk of Court and to file a Motion for Default Judgment in accordance with the Individual Practices of the Honorable Andrew L. Carter, Jr., United States District Judge, Rule 55 of the Federal Rules of Civil Procedure, and S.D.N.Y. Local Rule 55 by no later than **Tuesday, December 8, 2020**.

Dated: New York, New York
November 24, 2020

SO ORDERED:



SARAH L. CAVE
United States Magistrate Judge